

bill becomes a law it will forever put an end to all county fairs, and will tend to discourage the raising of a better grade of horses, cattle, sheep, poultry and all other kinds of stock; it will also practically kill the State Fair at Dallas, which has grown to be second to none in the United States.

Numerously signed.

By Senator Peeler:

Senator Jno. L. Peeler, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,

Friday, January 29, 1909.

Senate met pursuant to adjournment, President Pro Tem. Terrell of Bowie presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Ward:

Senate bill No. 135, A bill to be entitled "An Act to amend an act entitled 'An

Act to fix certain civil fees to be charged by certain county and precinct officers and to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justice of the peace and constable, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith,' by adding thereto Section 12a."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Weinert, Cofer, Murray and Hudspeth:

Senate bill No. 136, A bill to be entitled "An Act to create the Texas Library and Historical Commission, setting forth the purposes of the said Library and Historical Commission, defining its powers and duties, repealing Article 2805 of the Revised Civil Statutes of the State of Texas, amending Article 2806, and in general repealing all laws and parts of laws in conflict with this act."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Real and Terrell of Bowie:

Senate bill No. 137, A bill to be entitled "An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278, Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population and over, where there is no criminal district court established, and qualification therefor, and duties thereof, and affixing salary, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

(The following bills were referred by Lieutenant Governor Davidson.)

By Senators Terrell of McLennan, Peeler, Willacy and Watson:

Senate bill No. 138, A bill to be entitled "An Act to amend Section 7, Chapter 123, Acts of the Thirtieth Legislature, entitled 'An Act to define and regulate the practice of medicine, to create a board of medical examiners for the ex-

amination and licensing of physicians and surgeons, and to prescribe their qualifications; to provide for their proper registration and to provide for the revocation of their license, and to fix suitable penalties for the violation of this act, and also to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1907, and all laws and parts of laws in conflict herewith, and declaring an emergency,' approved April 17, 1907, by adding thereto provisions exempting graduates of the Medical Department of the University of Texas from appearing before said Board for examination for license, and providing for an emergency."

Read first time, and referred to Committee on Public Health.

By Senators Terrell of McLennan, Peeler, Willacy and Watson:

Senate bill No. 139, A bill to be entitled "An Act to amend Section 2, Chapter 186, Acts of the Thirtieth Legislature, entitled 'An Act to establish the Texas State Board of Pharmacy, and to prescribe the powers and duties of said Board, and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding and sale of medicines and drugs and poisons in the State of Texas, and to provide penalties for any infringement of this act, and to repeal all laws in conflict herewith,' by adding thereto provisions exempting graduates in pharmacy of the Medical Department of the University of Texas from appearing before said Board for examination for license, and providing for an emergency."

Read first time, and referred to Committee on Public Health.

By Senators Senter, Terrell of Bowie and Sturgeon:

Senate bill No. 140, A bill to be entitled "An Act to prevent the commission of fraud in compromises and settlement of claims for damages for injuries received by any person, receiver or corporation operating a railroad or interurban or street railroad, etc.; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Terrell of Bowie:

Senate bill No. 141, A bill to be entitled "An Act to prohibit corporations in incorporated cities and towns furnishing

water, electricity, gas and telephone service to citizens of such cities from discontinuing same without notice, and prescribing conditions under which they may discontinue same where controversy arises from charges of such corporation, and prescribing penalties for violating the provisions of this act, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Cofer:

Senate bill No. 142, A bill to be entitled "An Act for the better protection of life and property against injury or damage, resulting from the operation of steam engines and boilers by incompetent engineers and others, and to repeal any act that has been passed by the Legislature of Texas, granting cities the power to license engineers."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Senter:

Senate bill No. 143, A bill to be entitled "An Act to prevent any person from unlawfully using or wearing the badge or button or other emblem of certain orders and organizations."

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.

MOTION TO SUSPEND PENDING BUSINESS.

Senator Watson moved that the Senate suspend the pending order of business (Senate Joint Resolution No. 1) for the purpose of considering Senate bill No. 29, the bill relating to the location of the Court of Criminal Appeals at Austin.

EXECUTIVE SESSION.

Pending discussion upon the above motion, the Chair announced that the hour, 2:30 o'clock p. m., had arrived for the Senate to go into executive session for the purpose of considering appointments formerly sent to the Senate.

The Chair ordered the Chamber cleared of all not entitled to remain.

IN EXECUTIVE SESSION.

In executive session the following confirmations were made:

For Regents of the Texas State Uni-

versity—T. S. Henderson, A. W. Terrell, Hampson Gary, George W. Brackenridge, J. W. McLaughlin, M. D., T. B. Greenwood, N. W. Finley, A. W. Fly, M. D.

For Board of Directors of the A. and M. College.—K. K. Legett, A. Haidasek, W. P. Sebastian, T. D. Rowell, A. R. McCollum, Walton Peteet, John M. Green, Ed R. Kone.

For Trustees of the State Lunatic Asylum at Austin—F. T. Ramsey, A. S. Phelps, Dr. G. H. Wooten, F. G. Reynolds, Wm. H. Stacy.

For Trustees of the State Blind Institute—Frederick C. Von Rosenberg, Wm. G. Bell, W. M. Thornton, Dr. R. M. Wickline, Sidney Nolen.

For Trustees of the Deaf and Dumb Asylum—I. P. Lochridge, Dr. L. L. Lacy, O. E. Olander, John E. Shelton, Joe Koen.

For Board of Managers of the Confederate Home at Austin—W. C. Walsh, Val C. Giles, Paul F. Thornton, Ben E. McCulloch, W. H. Richardson, Sr.

For Trustees of the Deaf, Dumb and Blind Asylum for Colored Youths—Charles Stephenson, Morris Silver, Jas. H. Hart, Kyrie Thrasher, George S. Dowell.

For Trustees of the Epileptic Colony at Abilene—W. M. Lacy, John Bowyer, Dr. L. L. Grizzard, S. P. Hardwick, David G. Hill.

For Trustees of the College of Industrial Arts at Denton—Clarence Ousley, Mrs. Birdie R. Johnson, Miss M. E. Brackenridge, Arthur Lefevre, Mrs. Mattie R. Turner, Jas. H. Lowry, Dr. J. P. Blount.

Board of Managers for the State Orphan Home at Corsicana—John A. Thompson, W. L. Derden, L. E. McCormick, W. B. Parker, Mrs. Carrie Pannill.

State Board of Medical Examiners—Dr. Ed Becton, Dr. Jas. G. Osborne, Dr. W. B. Collins, Dr. G. B. Foscue, Dr. J. J. Dial, Dr. J. D. Mitchell, Dr. M. E. Daniel, Dr. R. O. Braswell, Dr. J. T. Crow, Dr. J. P. Rice, Dr. J. F. Bailey.

IN THE SENATE.

MOTION TO SUSPEND PENDING BUSINESS.

Action here recurred on the motion to suspend pending business and take up Senate bill No. 29.

The motion prevailed, and the Chair laid the bill before the Senate.

Senator Watson moved that the bill be made a special order for Monday

morning after the conclusion of the morning call.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 1.

The Chair then laid before the Senate, as pending business,

Senate Joint Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas, by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment.

Pending.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 10, A bill to be entitled "An Act to amend Chapter 10, Title 17, Penal Code, 1895, by adding Article 880a, providing a punishment for the offense of an attempt to commit theft from the person, and declaring an emergency."

House bill No. 83, A bill to be entitled "An Act creating a more efficient road system for Anderson county, Texas, prescribing the powers and duties of the county commissioners court with reference to public roads; making members of the commissioners court ex-officio road superintendents of their respective precincts, and defining and prescribing their powers and duties as such; prescribing the powers and duties of road overseers; designating who are liable to road service, and prescribing their duties and privileges; prescribing penalties for the violation of provisions of act; providing that this act be cumulative of all laws on the subject of public roads and bridges, and that it be taken notice of by the courts as other general laws of the State; repealing all laws in conflict, and declaring an emergency."

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions

had been read, the following House bills:

(See above House message for captions.)

House bill No. 10, referred to Judiciary Committee No. 2.

House bill No. 83, referred to Committee on Roads, Bridges and Ferries.

SENATE BILL NO. 67.

On motion of Senator Bryan, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 67, by the following vote:

Yeas—21.

Adams.	Senter.
Alexander.	Stokes.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Kellie.	Thomas.
Meachum.	Ward.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.
Real.	

Nays—4.

Greer.	Mayfield.
Holsey.	Murray.

Absent.

Harper.	Masterson.
Hume.	Veale.

PAIRED.

Senator Brachfield (present), who would vote "nay," with Senator Hudspeth (absent), who would vote "yea."

The Chair laid before the Senate, on third reading,

Senate bill No. 67. A bill to be entitled "An Act to reorganize the Thirty-second, Thirty-fourth and Thirty-ninth Judicial Districts, and to create the Sixty-eighth Judicial District of Texas."

The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.	Real.
Alexander.	Senter.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Kellie.	Thomas.
Meachum.	Ward.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.

Nays—5.

Greer.	Murray.
Holsey.	Stokes.
Mayfield.	

Absent.

Harper.	Masterson.
Hume.	Veale.

PAIRED.

Senator Brachfield (present), who would vote "nay," with Senator Hudspeth (absent), who would vote "yea."

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign in presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 23, "An Act constituting Dallas county the Fourteenth, Forty-fourth and Sixty-eighth Judicial Districts; providing for the present judges of the Fourteenth and Forty-fourth Judicial Districts to continue to hold their offices for the term for which they were elected, the appointment of a suitable person by the Governor as judge of the Sixty-eighth Judicial District to hold until the next general election; that said courts shall not exercise criminal jurisdiction and shall exercise concurrent jurisdiction in all civil cases and proceedings of which district courts are given jurisdiction by the Constitution and laws of the State; that the present district clerk of Dallas county shall continue to hold his office for the term for which he is elected, and providing for filling vacancy should one occur in said office; providing for making up a docket for the Sixty-eighth Judicial District Court from the dockets of the other two courts, equalizing the dockets of the three courts as near as may be; prescribing how cases shall be numbered and filed in the several courts, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 39, "An Act to confer upon the county court of Brewster county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the

jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act."

HOUSE CONCURRENT RESOLUTION NO. 3.

On motion of Senator Willacy, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 3, by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper.	Masterson.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.

The Chair laid before the Senate, House Concurrent Resolution No. 3, providing for the form of printing of bills.

The committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

SENATE BILL NO. 121.

On motion of Senator Cofer the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 121, by the following vote:

Yeas—24.

Adams.	Kellie.
Alexander.	Mayfield.
Brachfield.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Hayter.	Peeler.
Holsey.	Perkins.

Real.
Senter.
Stokes.
Sturgeon.
Terrell of Bowie.

Terrell of McLennan.
Thomas.
Ward.
Weinert.
Willacy.

Absent.

Bryan.	Masterson.
Harper.	Veale.
Hudspeth.	Watson.
Hume.	

The Chair laid before the Senate, on second reading,

Senate bill No. 121, A bill to be entitled "An Act to amend Article 1647, Chapter 13, of Title 22, of the Revised Civil Statutes of Texas, 1895, so as to allow a judgment in the justice's court to be rendered against a non-resident upon a notice to serve a non-resident and so that said article may hereafter read as follows, and declare an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Cofer the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Harper.	Hume.
Masterson.	Veale.
Hudspeth.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Meachum.
Brachfield.	Mayfield.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.

Senter.	Thomas.
Stokes.	Ward.
Sturgeon.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 62.

On motion of Senator Meachum the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 62, by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Bryan.	Hume.
Harper.	Masterson.
Hudspeth.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 62, A bill to be entitled "An Act making it a criminal offense for any person to send to another person an anonymous letter or writing reflecting upon the integrity, chastity, virtue, good character or reputation of any person, or wherein the life of any such person is threatened, and prescribing a penalty for the violation thereof, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—1.

Thomas.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—1.

Thomas.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 103, A bill to be entitled

"An Act to amend Article 548, Chapter 9, Title 18 of the Revised Statutes of the State of Texas, providing for the condemnation by incorporated cities and towns of private property for the purpose of widening streets, avenues or alleys, or for the construction of water mains, supply reservoirs or a standpipe for waterworks or sewers, etc.; to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 78.

On motion of Senator Terrell of Bowie, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 78, by the following vote:

Yeas—24.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.

Nays—2.

Murray.	Thomas.
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Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	

The Chair laid before the Senate, on second reading,

Senate bill No. 78, A bill to be entitled "An Act to define and regulate the practice of optometry, to create a board of examiners in optometry for the examining and licensing of optometrists, to prescribe the qualification of applications for license in optometry; to provide for the registration of optometrists and to provide for the revocation of their licenses, and to require them to display certificate of exemption when practicing said profession outside or away from principal office, and deliver to each customer a bill of purchase or sale and specifications of lenses furnished,

and price charged for same, and to fix suitable penalties for the violation of this act, and repealing all laws in conflict herewith."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by inserting between the words "exemption" and "when" the word "and," on line 11, page 1, and by striking out the word "and" on line 12, page 1, and inserting in lieu thereof the word "to."

Senator Terrell of Bowie offered the following amendment, which was read and adopted:

Amend the bill by adding Section 15, as follows:

"Section 15. The fact that the calendar is greatly crowded and the fact of the near approach of the close of the session create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is accordingly hereby suspended."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by striking out "\$25," in line 6, page 5, and inserting in lieu thereof "\$10," and in line 11, page 5, by striking out "\$15," and inserting in lieu thereof "\$7.50," and in the same line and page by striking out "\$10," and inserting in lieu thereof "\$5."

ALEXANDER,
MEACHUM.

Senator Thomas offered the following amendment:

Amend the bill, page 7, line 25, after the word "sell," by adding the words "or peddler."

Senator Terrell of Bowie offered the following amendment to the amendment:

Amend the amendment by adding the following: "Who do not claim to be optometrists."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

Senator Meachum offered the following amendment:

Amend the bill, page 5, line 21, by adding after the word "Texas" the following: "Provided, that the members of said board shall keep an accurate, and itemized account of all fees received by them, and the names of the respective applicants paying the same, which said statement shall be at all times open to the inspection of the public, and in case

the fees collected in any fiscal year are in excess of the amount hereby specified, the said board shall, in addition to paying the said excess into the general fund, submit contemporaneously therewith to the State Treasurer a verified itemized account, showing the amount of funds collected from each applicant under the provisions hereof during the fiscal year for which such is collected."

The amendment was read and adopted.

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by inserting after the word "board," in line 20, page 6, the words "or refused a certificate by said board."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 5, line 19, by striking out "\$5000," and insert in lieu thereof "\$2000."

MEACHUM,
ALEXANDER.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Mayfield.	Thomas.
Meachum.	Ward.
Murray.	Willacy.

Nays—1.

Watson.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Kellie.	Sturgeon.
Mayfield.	Terrell of Bowie.
Meachum.	Terrell of McLennan.
Murray.	Thomas.
Paulus.	Ward.
Peeler.	Willacy.

Nays—1.

Watson.

Absent.

Harper.	Masterson.
Hudspeth.	Veale.
Hume.	Weinert.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

APPOINTMENT OF STENOGRAPHER.

Here the Chair, Lieutenant Governor Davidson, authorized the announcement of the appointment of J. W. Kincaid as stenographer to fill the vacancy of M. T. Barrett, resigned. The recommendation was made by Senator Sturgeon.

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 5:50 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 51, A bill to be entitled "An Act to provide for the revision, digesting and publishing the laws, civil and criminal, of the State of Texas, making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 75, A bill to be entitled "An Act to provide for the location and building of a school for the instruction and treatment of the feeble-minded of this State, to be located at the capital of this State, and making an appropriation therefor,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 43, A bill to be entitled "An Act making it the duty of the Secretary of State to furnish public libraries in this State that request same, copies of all public documents,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, January 28, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 129, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time prescribed by law, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BRACHFIELD, Chairman.

(Floor Report.)

Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 152, A bill to be entitled "An Act appropriating the sum necessary to refund the unearned portion of the State occupation tax paid upon all liquor dealers' licenses which were unexpired on July 12, 1907, and which were abrogated on that date,"

Have had the same under consideration, and report same back to the Senate with the recommendation that it do pass.

Willacy, Chairman; Terrell of Bowie, Paulus, Weinert, Brachfield, Meachum, Murray, Peeler, Sturgeon, Holsey.

Committee Room,

Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 132, A bill to be entitled "An Act authorizing any county in the State of Texas having a population in excess of 50,000 inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county, and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

GREER, Chairman.

Committee Room,

Austin, Texas, January 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 74, "An Act to grant a new charter to the city of Austin, Travis county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, January 27, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared

Senate bill No. 38, "An Act creating the Mertzon Independent School District in Irion county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof, and prescribing their duties, powers and authority, permitting said trustees when authorized by vote of the majority of property-owning taxpayers voting therein to levy and assess a tax not exceeding the maximum prescribed by the Constitution, on all property subject to taxation in said district for the purpose of purchasing or constructing public free school buildings in said district, and for the equipment and furnishing of same, and acquirement of sites, and authorizing the issuance of bonds for such purposes, and providing for the collection of taxes; and to levy, assess and provide for the collection of a tax not exceeding 50 cents on the \$100 valuation of taxable property in said district for the maintenance and support of its schools; requiring and providing for an election on the proposition to levy such taxes and issue such bonds; providing for the collection of the tax existing against such portion of said independent school district as was formerly embraced in the Sherwood Common School District, until the extinguishment of the present bonded indebtedness of the Sherwood Common School District and for the payment and distribution to the treasurer of said independent district of its proportionate part of all general and special tax accruing on the territory embraced in said independent district, and generally investing the Mertzon Independent School District and board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general law upon independent school districts and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only under the general law, and creating and declaring an emergency."

And find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

A petition of J. E. McGhee and one hundred and fifty-six others, of West, Texas, asking that the volunteer fire-

men be exempted from the provisions of the anti-pass law.

By Senator Terrell of McLennan:

A petition of A. M. Prescott and five hundred others, of Waco, Texas, asking that the volunteer firemen be exempted from the provisions of the anti-pass law.

By Senator Terrell of McLennan:

A petition of J. M. Neal and thirty-eight others of Reagan, Falls county, urging the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse racing.

By Senator Ward:

Waxahachie, Texas, Jan. 27, 1909.

To Pierce B. Ward, State Senator:

We, the undersigned citizens of Waxahachie, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, indorse the bill providing for such an institution, as prepared by joint committees from the County Judges' and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

By Senator Adams:

Llano, Texas, January 23, 1909.

Hon. W. N. Adams, State Senator, Austin, Texas.

Dear Sir: Whereas, We, the undersigned members of the bar of Llano, Texas, and county officers of Llano county, Texas, understand that a bill will be introduced in the present session of the Legislature providing for the payment of the actual and necessary traveling expenses of district judges while holding court in counties other than the county of their residence, to the end that the salaries of those district judges who are compelled to so travel in the discharge of their official duties may be equivalent to the salaries of those district judges who do not bear this additional burden; and

Whereas, We are convinced that said proposed bill is a just and equitable provision and should become a law;

We hereby respectfully petition you to give said proposed measure your hearty and enthusiastic support.

Numerously signed.

By Senator Kellie:

Beaumont, Texas, January 27, 1909.

Whereas, It has come to the notice

of the board of directors of the San Antonio International Fair Association that a drastic bill prohibiting wagering on horse racing in the State of Texas is shortly to be introduced in the Thirty-first Legislature; and

Whereas, The International Fair was organized solely for the purpose of holding fairs, race meetings and entertainments for the purpose of developing the resources of the State of Texas, and the promotion of agriculture and live stock raising in all their various branches; and

Whereas, It has been found by long experience that the most attractive feature of the fair has been its races, which serve to attract many visitors, and without whose attendance the general admissions would be so small as to eventually result in failure and bankruptcy to the association; and

Whereas, The abolition of horse racing would destroy one of Texas' foremost industries, i. e., the breeding of fine horse stocks, which statistics now show represents millions of invested capital; therefore, be it

Resolved by this directory, That the Honorable Thirty-first Legislature be petitioned not to pass any drastic measures that would prohibit horse racing at the live stock and agricultural fairs; and be it further

Resolved, That a copy of these resolutions be sent to each member of the Legislature from this district; that a copy be sent to the various fair associations throughout the State of Texas, and that a copy be given to the press for publication.

Numerously signed.

By Senator Thomas:

Cooper, Texas, January 26, 1909.

Senator Bascom Thomas, Austin, Texas.

Sir: We, the undersigned farmers and taxpayers of Delta county, hereby protest against the passage of Texas Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, and particularly against the passage of Senate bill No. 9, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines. As free American citizens, we wish to be able to purchase goods wherever we please, which would be impossible if this bill were passed. We consider that a license for itinerant venders of medicines, etc., should not exceed \$75 per annum in each county and should be payable to the road and bridge fund,

in the county where the business is transacted.

Numerously signed.

By Senator Alexander:

Granbury, Texas, January 22, 1909.

To the Honorable D. M. Alexander, Our Esteemed Senator.

Dear Sir: At a regular mass meeting of the citizens of Granbury, held here January 22, 1909, the following resolution was passed by a unanimous rising vote:

Resolved, That we petition our Honorable Senator, and Honorable Representative from this district to vote for a bill providing for an amendment to the Anti-Pass Statute of the Thirtieth Legislature, so as to permit railway companies to grant to regular firemen delegates, free passage to and from the meetings of all associations and conventions of the firemen of Texas. We strongly favor the resolution shown on page 33 of the proceedings of the Thirty-third annual convention of the State Firemen's Association of Texas, held at Waco, May 13, 14, and 15, 1908.

Respectfully submitted,

THE WHOLE PEOPLE,

S. C. COLVIN, Mayor,

W. A. BINYON, Act. Sec.

The above resolution was by me presented to a mass meeting at farmers' banquet, at which 500 people were present, and not a dissenting vote was recorded against them.

W. A. BINYON.

Before me, R. E. Doyle, a notary public in and for Hood county, State of Texas, personally appeared W. A. Binyon, known to me to be the person who signed the foregoing instrument, made solemn oath as to the correctness of same.

R. E. DOYLE.

Notary Public, Hood Co., Texas.

January 26, 1909.

By Senator Holsey:

To Hon. W. R. Holsey, State Senator, Austin, Texas:

We, the undersigned voters of the Ninth Senatorial District, residing in Henderson county, respectfully ask you to vote for statutory prohibition in case a constitutional amendment favoring Statewide prohibition is not submitted to the people by the Thirty-first Legislature.

Numerously signed.

By Senator Senter:

We, the undersigned citizens of Dallas, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, indorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

Senator Alexander also presented a numerously signed petition same as the above.

By Senator Senter:

Dallas, Texas, January 9, 1909.

We, the undersigned, would respectfully petition you to support the measure known as the Texas Itinerant Drug Vendor's Bill, which has for its object the regulation of the itinerant vending of medicines, nostrums and appliances for the treatment of disease, injury or deformity, and to provide for the licensing of venders of the same.

Numerously signed.

By Senator Senter:

Hon. E. G. Senter, Austin, Texas:

We, the undersigned citizens of your district desire to protest against the enactment of the bill now before the Legislature to regulate the selling of medicines from wagons. We do so for this reason: These men are regular drug salesmen, not the old-fashion fake, who come to our homes every month and supply us with just as good goods as anybody; they are a convenience to us, credit us, and conduct their business with us just like any business concern; pay taxes and live right here in this county, and don't go out of it.

We appeal to you, what good reason can putting a tax of \$100 on this serve the people? Does it not serve rather to build up a monopoly for the retailer in stores? As we see it, this is an effort to take away this convenience to us and their competition.

We petition your careful consideration of it.

Numerously signed.

By Senator Paulus:

We, the undersigned citizens of Flatoria, Fayette county, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, indorse the bill providing for such

an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

By Senator Paulus (with request to be printed in full):

Moulton, Texas, January 28, 1909.

The following changes relating to the law governing State banks and trust companies is hereby recommended and submitted for consideration to the State Legislature of the State of Texas:

Whether unincorporated banks should also be under the supervision of the State Banking Department, and whether merchants and business men who take deposits of money or proceeds out of the sale of farm products on deposit or upon whom checks are drawn other than drafts drawn on them for merchandise purchased or for other obligations other than money on deposit, should not also be classed as bankers, subject to the same restrictions and laws that are to govern private banks, if such private banks are to be placed under the supervision of the State Banking Department. If the private banks of Texas are to be put under the supervision of the State Banking Department, it would be right and just that such other business men who take deposits, although no checks are drawn on them, should also be classed as bankers.

Section 7 of the present State bank law should be changed to read, "two-fifths of which," instead of "10 per cent of which." This relates to the reserve, and at present is susceptible to two constructions, and could mean that 10 per cent of the 25 per cent reserve should be held in cash in the bank, when it was intended to mean that 10 per cent of the whole should be kept in the bank in cash.

Sections 52 and 64 should be changed to read, that the owners of two-thirds of the capital stock of a State bank or trust company shall have the right to increase or decrease a bank's capital, and stockholders should have the first right to such increase in the proportion to the amount of stock already held by each, as in Section 27 governing savings banks. Under the present law the minority eliminated as stockholders by the majority, as the majority have the right to increase and say to whom the increase shall be issued, and if the majority decided to give this increase to

themselves, they could run the increase up sufficiently large to liquidate merely for the purpose of getting rid of the minority and reorganizing. Under all equitable laws it is intended to give a minority such rights that can be maintained in the proportion as they originally existed; under the present law the minority does not have that right.

Section 53 provides that money can be loaned only on farm products such as grain, cotton, etc., on a 25 per cent margin, with the warehouse receipts and insurance with loss clause payable to the bank to accompany such loan or note. Our friends who are operating national banks have a decided advantage over us in this respect. They are permitted to use their judgment as to margin just the same as on every other loan and are permitted to carry it in an account called "bills of exchange," and is not considered as excessive, although the amount of the loan is larger than the legal limit on ordinary loans. According to my view, the 25 per cent margin should only apply to time loans, but cotton is handled nearly altogether as demand loans, giving the banks the right to call for a margin if the products decline or call in the loan at any time, consequently, we State bankers can not compete for the very best cotton accounts, who are not willing to put up a 25 per cent margin on demand loans. The consequence is that they go to our competitor in the next town and let him carry it, and we lose the business at a season when we can not get loans and our loans already being carried are maturing and being paid off. I think there should be some distinction made between demand loans and time loans on products.

Under our present law an active officer of a bank is not allowed to borrow from the bank with which he is actively connected without the consent of the board, yet, if he does borrow without the consent of the board there is no way to punish him; therefore, it should be made a penal offense for an active officer to borrow from the bank with which he is connected without the consent of the board.

Our Bank Commissioner, Mr. Love, according to House bill No. 143, had decided it would be best to make it a penal offense for an active officer to borrow money from a bank with which he is actively connected, but I believe after consideration he has been convinced that this would be extreme and exclude officers that are entitled to credit; there-

fore, a law that will make it a penal offense for a thief or rascal ought to be sufficient, and those bankers in favor of the bank guarantee deposit are of the opinion that either directors or officers of a bank should be permitted to borrow money at any time between regular monthly meetings upon written consent of a majority of the board and at regular meetings upon consent of the board properly recorded in the minutes of said meeting, the majority of the board to be other than the borrower, whose application for a loan shall be considered just as any other borrower.

Banks should not be permitted to loan money upon certificates of stock of such bank, except for debts previously contracted to evade a loss.

Another item not under the State bank law, but in which State banks are vitally interested, is that during 1905, under the head of mortgages and deeds of trust, a bill was passed providing for the extension of time of payment of land mortgages and vendor's lien notes, such extension to be signed by the maker of the note as well as the owner of it, and properly recorded, etc. This seems to be deficient in the respect that it does not mention renewal of a note or mortgage, but merely the extension of the time of payment, it appears that some provision should be made as to renewal as well as extension.

In other words, what are you going to do with a note that matures and you don't want to give the party an extension of time, yet you are willing to renew it or have him renew it, leaving it practically payable any time at the holder's option?

Very truly yours,

E. STUDEMAN.

Active Vice-President of the First State Bank of Moulton, Texas.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 1, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, no quorum present, the following Senators answering to their names:

Adams.
Alexander.
Brachfield.

Cofer.
Greer.
Hayter.